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Cc: Foresman, Erin[Foresman.Erin@epa.gov]; Worth, Daniel@Waterboards[Daniel.Worth@waterboards.ca.gov]
From: Riddle, Diane@Waterboards
Sent: Fri 10/10/2014 6:08:41 PM
Subject: RE: Endangered Species Act Section 7 Consultation on WQCP Phase I

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Hi Valentina,

As I discussed at today's coordination meeting, I think we need to discuss what you need in a little more detail. Following is some additional information on what we are doing and questions to help focus the discussion.

With respect to steelhead and delta smelt, we have beefed up the analyses in the revised draft SED, but I'm not sure all of the information for effects on these species can or will be quantitative. Can you please specify which you think should be and why. With respect to spring-run and green sturgeon, green sturgeon are not observed on the SJR, and the NMFS 2014 spring-run recovery plan says spring-run are not present in the SJR basin. Though we understand there have been potential observations of spring run on the SJR, I think any analyses would be very speculative at this point. Accordingly, we would like a better understanding of what you need and the rationale.

With respect to the OCAP BO, we do not have the authority and we are not proposing to modify the Stan BO flow requirements. Accordingly, there is no effect on the BO. I think the changes we made to the SED will help to clarify that issue better. As you may recall, in the first draft SED we did indicate that we did not intend to change the BO flows, but also did not include the BO flows in the SED chapter analyses, but instead prepared an appendix that included the BO flows. For the revised draft SED analyses we have included the BO flows in the chapter analyses. In circumstances where the BO flows are higher than our alternatives, we assume that those higher flows apply. In circumstances where our alternative flows are higher, we assume those flows apply. With respect to Delta ops, again, our project does not affect those requirements. The increased SJR flows may increase exports by 1-3%, but would not change any of the BO ops requirements or other requirements included in D-1641. In phase 2, we will look at export constraints and whether additional action should be taken to further protect the increased SJR flows, but for now, we are assuming the existing requirements in D-1641 and the BOs remain in place.

Please let me know when would be best to discuss further. We have pretty much completed the fisheries resource chapter of the SED and the benefits analysis (other than Salsim) so would like to identify fairly quickly if any additional work on that chapter is warranted and what it is. As you can understand, we will want to be very careful about making sure that any additional work is really necessary, as any additional work will slow down the process which would be a concern for the board and management. I am on vacation next week, but can meet after that. Dan Worth (who is lead on the fisheries analyses for phase 1) (Daniel.worth@waterboards.ca.gov or 916-341-5324) can organize the meeting if you let him know when you will be ready.

Thanks,

Diane

From: Cabrera-Stagno, Valentina [mailto:Cabrera-Stagno.Valentina@epa.gov]
Sent: Wednesday, October 08, 2014 10:52 AM
To: Riddle, Diane@Waterboards; Gowdy, Mark@Waterboards; Lindsay, Larry@Waterboards

Cc: foresman.erin@epa.gov

Subject: Endangered Species Act Section 7 Consultation on WQCP Phase I

Dear Diane, Mark and Larry,

We had some very productive discussions with you about the WQCP Phase I work over the summer. One of the things we discussed during those conversations is that EPA action on water quality standards will be subject to Section 7 compliance with the Services under the Endangered Species Act. We followed up on this with the Services by asking them to describe what kind of information and at what level of detail would be required to consult under Section 7 of ESA.

They gave us a list of information and analysis they would need and we are hoping as much of this information as possible will be included in the either the next version of the Phase I Draft SED or the final SED.

Information and quantification of the positive or negative impacts the proposed action will have on the species and critical habitat listed below will be necessary for us to complete consultation.

- Threatened Central Valley spring-run Chinook salmon and their critical habitat
- Threatened Central Valley steelhead and their critical habitat
- Threatened Southern Distinct Population Segment of North American green sturgeon and their proposed critical habitat
- Threatened Delta smelt and their critical habitat

As the originators of much of the modeling used to interpret the impacts of the proposed changes your perspective on the impacts to these special status species would be much appreciated. I understand the upcoming draft will include impacts (in many cases benefits) to fall-run Chinook that were not quantified in the prior draft. If this additional analysis of aquatic resource impacts could be expanded to include the special status species listed above, that would be informative for EPA and Services in our upcoming discussions as well as the public during the next public review. In particular, information on impacts to the federally listed species and their designated critical habitat regarding abundance, reproduction, distribution, diversity and habitat quality and function will be necessary. Analysis of loss or gain of spatial or temporal aspects of critical habitat, forage, shelter/cover and corridors will also be needed.

It will also advance our discussions with the Services if the revised SED includes an explanation of how the proposed flows will compare with the Reasonable Prudent Alternative for the long-term operations of the Central Valley Project and State Water Project and NMFS Operations Criterion and Plan (OCAP) opinion.

It would probably be good for us to schedule a time to talk about what will and will not be included in the revisions and how EPA can best build on the modeling done for the SED to obtain any missing information.

Thank you,

-Valentina